

AMENDED IN ASSEMBLY JULY 2, 2001

AMENDED IN SENATE MAY 2, 2001

AMENDED IN SENATE MARCH 26, 2001

AMENDED IN SENATE MARCH 12, 2001

SENATE BILL

No. 135

Introduced by Senator Figueroa
(Coauthor: Assembly Member Vargas)

January 29, 2001

An act to amend, repeal, and add Section 7124.6 of the Business and Professions Code, relating to contractors.

LEGISLATIVE COUNSEL'S DIGEST

SB 135, as amended, Figueroa. Contractors.

Existing law, the Contractors' State Licensing Law, requires the registrar to make available to the public the nature and disposition of all complaints on file against a licensee that have been referred for legal action. Existing law prohibits the disclosure of complaints that have been resolved in favor of the contractor.

This bill ~~would also require the board to maintain an information system concerning the disposition and disclosure of complaints that would require on July 1, 2002, the registrar to make available to the public the date, nature, and status of all complaints on file that have been referred for an accusation or an investigation due to a probable violation that, if proven, would be appropriate for suspension or revocation of the contractor's license or criminal prosecution. The bill would require the board to adopt regulations creating a disclaimer that would accompany the disclosure of a complaint. The provisions of the~~

~~bill on the information system would become operative on the dates the board adopts regulations for their implementation and provisions of existing law would become inoperative and would be repealed on the following January 1. The bill would also make a statement of legislative intent. The bill would require the registrar to disclose on July 1, 2002, or a later date, the date, nature, and disposition of all legal actions except as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. It is the intent of the Legislature that the~~
2 ~~Contractors' State License Board develop a system of complaint~~
3 ~~disclosure that allows the board to disclose information~~
4 ~~concerning ongoing investigations of licensees when this~~
5 ~~disclosure is necessary to protect the public from dishonest and~~
6 ~~incompetent contractors. It is further the intent of the Legislature~~
7 ~~that the program implementing this system does the following:~~

8 ~~(a) Discloses complaints after they have been referred for~~
9 ~~investigation and have been reviewed by a supervisor.~~

10 ~~(b) Discloses complaints regarding allegations that if proven~~
11 ~~would present a risk of harm to the public and would be~~
12 ~~appropriate for suspension, revocation of the contractor's license,~~
13 ~~or criminal prosecution.~~

14 ~~SEC. 2.~~

15 *SECTION 1.* Section 7124.6 of the Business and Professions
16 Code is amended to read:

17 7124.6. (a) The registrar shall make available to members of
18 the public the nature and disposition of all complaints on file
19 against a licensee that have been referred for legal action.

20 (b) Any complaints resolved in favor of the contractor shall not
21 be subject to disclosure under subdivision (a).

22 ~~(c) This section shall become inoperative on the date of~~
23 ~~adoption of regulations by the board implementing the provisions~~
24 ~~of Senate Bill 135 of the 2001-02 Regular Session, and shall be~~
25 ~~repealed on January 1 following the date it becomes inoperative.~~

26 (c) *This section shall become inoperative on July, 2002, and, as*
27 *of January 1, 2003, is repealed, unless a later enacted statute, that*

1 *becomes operative on or before January 1, 2003, deletes or*
2 *extends the dates on which it becomes inoperative and is repealed.*

3 ~~SEC. 3.~~

4 *SEC. 2.* Section 7124.6 is added to the Business and
5 Professions Code, to read:

6 ~~7124.6.—(a) The board shall maintain a system of information~~
7 ~~regarding disclosure and disposition of complaints.~~

8 ~~(b) The registrar shall make available to members of the public~~
9 ~~the following information regarding complaints, unless the~~
10 ~~information is limited by an adopted regulation of the board:~~

11 ~~(1) The date, nature, and status of all complaints on file that~~
12 ~~have been referred for investigation after a determination by board~~
13 ~~enforcement staff that a probable violation has occurred and the~~
14 ~~alleged violation is one that, if proven, would be appropriate for~~
15 ~~suspension or revocation of the contractor's license or criminal~~
16 ~~prosecution.~~

17 ~~(2) The date, nature, and disposition of all complaints on file~~
18 ~~against a licensee that have been referred for legal action. Any~~
19 ~~complaint that was resolved in favor of the contractor shall not be~~
20 ~~subject to disclosure.~~

21 ~~(c) Citations issued shall be disclosed from the date of issuance~~
22 ~~and for five years after the date of compliance during the time the~~
23 ~~license is active. Suspensions, revocations, terms, and conditions~~
24 ~~of probation, or any other legal action affecting the status of a~~
25 ~~licensee shall be disclosed for a minimum of seven years. The~~
26 ~~board shall adopt regulations to establish when the period of~~
27 ~~disclosure under this section shall be longer than seven years.~~
28 ~~Complaints referred to arbitration shall be disclosed in accordance~~
29 ~~with Section 7085.9.~~

30 ~~(d) The board shall adopt regulations necessary to establish a~~
31 ~~disclaimer that shall accompany the disclosure of a complaint. The~~
32 ~~disclaimer shall state that the complaint is an allegation and the~~
33 ~~disclaimer may contain any other information the board~~
34 ~~determines would be informative to a person evaluating the~~
35 ~~complaint.~~

36 ~~(e) The subdivisions of this section shall become operative on~~
37 ~~the dates the board adopts the regulations necessary for their~~
38 ~~implementation.~~

1 7124.6. (a) *The registrar shall make available to members of*
2 *the public the date, nature, and status of all complaints on file*
3 *against a licensee that do either of the following:*

4 (1) *Have been referred for accusation.*

5 (2) *Have been referred for investigation after a determination*
6 *by board enforcement staff that a probable violation has occurred,*
7 *and have been reviewed by a supervisor, and regard allegations*
8 *that if proven would present a risk of harm to the public and would*
9 *be appropriate for suspension or revocation of the contractor's*
10 *license or criminal prosecution.*

11 (b) *The board shall create a disclaimer that shall accompany*
12 *the disclosure of a complaint that shall state that the complaint is*
13 *an allegation. The disclaimer may also contain any other*
14 *information the board determines would be relevant to a person*
15 *evaluating the complaint.*

16 (c) *A complaint resolved in favor of the contractor shall not be*
17 *subject to disclosure.*

18 (d) *Except as described in subdivision (e), the registrar shall*
19 *make available to members of the public the date, nature, and*
20 *disposition of all legal actions.*

21 (e) *Disclosure of legal actions shall be limited as follows:*

22 (1) *Citations shall be disclosed from the date of issuance and*
23 *for five years after the date of compliance, counting only the time*
24 *the contractor's license is active.*

25 (2) *Accusations that result in suspension or stayed revocation*
26 *of the contractor's license shall be disclosed from the date the*
27 *accusation is filed and for seven years after the accusation has*
28 *been settled, including the terms and conditions of probation,*
29 *counting only the time the contractor's license is active.*

30 (3) *All revocations that are not stayed shall be disclosed*
31 *indefinitely from the effective date of the revocation.*

32 (f) *Subdivisions (a), (b), and (c) shall become operative on July*
33 *1, 2002. Subdivisions (d) and (e) shall become operative on July*
34 *1, 2002, or as soon thereafter as administratively feasible, as*
35 *determined by the registrar, but not later than January 2, 2003.*